



School Leader Update

Iowa Department of Education

OCTOBER 2005

Resources for Iowa School Leaders

NEWS FROM THE DE

Katrina Hurricane Relief Update

- We expect various entities, including the United States Department of Education, to request data about the number of Katrina hurricane evacuees Iowa has placed in our education system. However, we don't yet have specifics about the data needed, and we also expect the evacuees to be mobile or transient for some time – that is, they still are getting settled into semi-permanent or permanent housing. Thus, districts are encouraged to keep detailed records of the evacuees they enroll, including dates in to (and potentially out of) the district, and their previous residence.
- Visit the DE website for information and materials related to relief, services, and enrollment for evacuees, including guidance from Mississippi and Louisiana on how to access student records.
- Some districts have reported additional incoming evacuees from Hurricane Rita. Please note that because Rita did not receive a specific federal disaster declaration, it is unclear whether Rita evacuees qualify for federal assistance. Nonetheless, districts receiving Rita evacuees should follow the same enrollment procedures as with Katrina evacuees, keep detailed enrollment records for those evacuees, and should help ensure the Rita evacuees also register with the Red Cross and FEMA.
- State agencies offering ongoing services to evacuees – such as the departments of Human Services, Education, and Public Health – are coordinating their efforts and information as much as possible.
- State officials from Homeland Security and Emergency Management are conferencing frequently with federal and national relief agencies, as well as agencies from other states, to assist the transitions for evacuees.

"New Iowans" Public Hearings Scheduled

Public hearings are being held in various locations across the state as a way to gain the public's input and feedback on how communities have welcomed, helped and benefited from newcomers to the state. Issues such as education, health care and economic development will be discussed. Remaining public hearings are Tuesday, Oct. 4, 6-8 p.m., Ottumwa, Indian Hills Community College Advanced Technology Center, room 121; and Thursday, Oct. 6, 6-8 p.m., Davenport, West High School.

Progress on State Priorities

EARLY CHILDHOOD EDUCATION:

- Each school district must administer the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or other kindergarten benchmark assessment to every kindergarten student no later than October 1, 2005. Districts are required to report the results to the Iowa Department of Education (DE). The DE has sent guidance to all superintendents that explains the assessment options and reporting requirements. Questions? Contact Penny Milburn at pmilburn@iastate.edu or 515/727-0656.

FOCUS ON HIGH SCHOOLS:

- A second annual High School Summit is scheduled for January 23-24, 2006 in Des Moines. Watch for registration information in October. Featured speakers include Dr. Willard Daggett and Larry Gloeckler from the International Center for Leadership in Education. The International Center has partnered with the Council of Chief State School Officers and the Bill and Melinda Gates Foundation to share successful models of high school reform across the country. Additional presenters will represent Iowa

schools and colleges and regional/national efforts that have resulted in successful system change with positive student outcomes.

TRANSITIONS: A SEAMLESS EDUCATION SYSTEM

- This year, each school system in Iowa will receive access to Choices at no cost to the district. Currently, contact is being made with each district to locate a contact person (e.g. a counselor) to provide access codes for Choices, a web-based career information software package. Within two weeks, this contact person will receive a "welcome packet" to assist him/her in using all the career tools available, and training availability through specialized trainers. In addition, the post-secondary schools such as community colleges, private colleges, and regents universities, will be provided, at no cost, access to Choices. This means that student portfolios in the high school will be portable for the transition to post-secondary options such as college or training opportunities. For more information, contact Megan Hogan (megan.hogan@iowa.gov) at Iowa College Student Aid Commission (ICSAC), 515/242-3355 or Linda Berg (linda.berg@iowa.gov) at the Iowa Department of Education, 515/242-5032.
- DE Director Judy Jeffrey is meeting with the administration at each community college for reviews similar to the High School Review Visits last spring.

SCHOOL IMPROVEMENT

Orientation for School Improvement Visits

Orientation sessions are being scheduled this fall for school districts having school improvement visits during the 2005-2006 school year. The sessions are being held twice in each AEA. The remaining sessions are listed in the schedule attached to this issue of the School Leader Update.

If your district is scheduled for a school improvement visit this year, we strongly encourage your attendance at one of these orientation sessions. Past experience has shown that the orientation reduces some of the apprehension districts have about the visits and that participation in the orientation contributes to making the visits a more positive experience for both the district and the visiting team. Questions? Contact your area's school improvement consultant.

Remember These Waiver Dates

- New Innovative School Year (for the 2006-2007 school year) - due by November 1, 2005
- Continued Innovative School Year (for the 2006-2007 school year) - due by November 1, 2005
- Chapter 12 Exemption Request Forms (for the 2006-2007 school year) - due January 1, 2006

Waiver forms are posted <http://www.state.ia.us/educate/ecese/asis/waivers/index.html>.

Waivers and required documentation should be sent to Del Hoover, Deputy Division Administrator, Division of Early Childhood, Elementary & Secondary Education, Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319

Increased Allowable Growth for Dropout Prevention and Services for Dropouts

The financial application pages for accessing increased allowable growth for dropout prevention and services for dropouts under Iowa Code chapter 257.38-41 are online within the superintendent's secure web page "edinfo." Select "At-risk, and go to the "help" page to get the information necessary for completion, as well as the process and timeline for approvals. Please note that the entire process is electronic and LEAs will not receive notifications by ground mail. Questions regarding the process of application should be forwarded to Ray Morley, 515/281-3966 or ray.morley@iowa.gov.

Alternative Schools and Programs

School districts are encouraged to access the "Decision Matrix" for Student Program and Dropout Status, Issuance of Diplomas, Assessing and Reporting Student Performance and Funding, and Basic Education Data Survey (BEDS) Reporting." The Decision Matrix" is a guidance document provided to assist with decisions regarding alternative schools and programs. Definitions are provided for alternative school and alternative program as well as information on assessment and reporting student performance. The document can be found

on the DE website at <http://www.state.ia.us/educate/ecese/nclb/documents.html>; scroll down to the "Decision Matrix." Questions? Contact Ray Morley, 515/281-3966 or ray.morley@iowa.gov.

Strategic Instruction Model, Struggling Learners II Initiative

Superintendents recently received a letter providing information about the Strategic Instruction Model (SIM), one of several strategies for struggling readers. The SIM was developed at the University of Kansas and is often referred to as the KU Initiative. The KU Learning Strategies are designed to help low achieving students perform independently using grade level materials. The Content Enhancement Teaching Routines are designed to help teachers present content using methods that ensure better understanding, better content retention, and better performance on tests. Both components of SIM are research based and many of the strategies have been in use throughout the United States for more than 25 years. SIM works well within the Iowa Decision Making Model, as it can be employed for students in core, supplemental and intensive instruction. The SIM was recently chosen by the U.S. Department of Education as one of two programs to be studied nationally using gold standard research. Currently, 10 of the 12 AEAs have staff or school and or school district personnel involved in this initiative.

A copy of a letter to superintendents, which further explains the SIM, is attached to this School Leader Update. More information on the KU Learning Strategies and Content Enhancement Teaching Routines can be found on the University of Kansas website at <http://www.ku-crl.org/>. For further information about Iowa's SIM Initiative, contact Kara Krohn, 515/281-7145 or kara.krohn@iowa.gov.

ITBS/ITED Interpretative Leaflets for Parents

Section 1118 (e)(1) of the No Child Left Behind Act (NCLB) requires schools and districts to provide assistance to parents in understanding state student academic achievement standards. Beginning in the 2005-06 year, districts need to disseminate the appropriate grade level leaflet for grades 3-8 and 11 along with individual Student Profile Narrative Reports from Iowa Testing Programs to parents.

Interpretative leaflets for Iowa Tests of Basic Skills (ITBS) and Iowa Tests of Educational Development (ITED) can be found at <http://www.state.ia.us/educate/ecese/nclb/documents.html>. Districts should download these leaflets and print them for enclosure with the Student Profile Narrative Report for each student. Translations into several non-English languages are available at <http://www.state.ia.us/educate> (scroll to the bottom of the page to find the translation service).

For more information, contact Paul Cahill, paul.cahill@iowa.gov or 515-281-3944.

QUALITY TEACHING

Professional Development: Are You on Track?

Fall is a good time to check the status of your district and building-wide staff development. Review the items below to see if your professional development is on track.

- A professional development leadership team is in place and helping the principal to analyze data, support collaborative teams, develop demonstrations, plan the next workshop, etc.
- Workshops are planned for and underway. Training sessions are distributed through the school year to ensure that teachers get ongoing opportunities to learn more about the strategies being studied, see demonstrations, and practice.
- Opportunities are scheduled for teachers to see demonstrations of the strategies they are studying. Demonstrations may occur in workshops, collaborative team meetings, faculty meetings, etc.
- All teachers are trying the newly learned strategies in the classroom on a regular basis. Teachers are reporting how often their students have experienced the new strategy (implementation data) to the leadership team.
- All teachers involved in instruction are members of a collaborative team. Collaborative teams meet weekly or at least every other week. Teachers are planning lessons together, seeing demonstrations, and discussing student data that shows how students are responding to changes in instruction (formative data).

- The principal is attending the workshops and collaborative team meetings, and conducting walk-throughs. Principals are getting around to the classrooms to see implementation of the strategies and are engaging in conversations with teachers about their use of the strategies.
- Individual Career Development Plans are developed and being implemented by each career teacher.
- Teachers are collecting collaborative team agendas and minutes, implementation logs, lesson plans, and student work pertaining to the professional development focus. These artifacts show that the teacher is addressing the Iowa Teaching Standards and implementing their Individual Career Development Plan.

Iowa Professional Development Model Administrator's Guide Available on DE Web

The Iowa Professional Development Model Administrator's Guide provides school district and building level administrators with information and resources to implement quality professional development for the purpose of increasing student achievement. The materials included in this document offer resources and tools needed to use the Iowa Professional Development Model to fully implement the required District Career Development Plans, Building-Level Plans For Professional Development, and Individual Teacher Career Development Plans.

The guide is available online at <http://www.state.ia.us/educate/ecese/tqt/tc/prodev.html>. Questions? Contact Deb Hansen, 515/281-6131, deb.hansen@iowa.gov.

Implementation of the Individual Teacher Career Development Plans

This fall all career teachers (non-beginning teachers) will be implementing their new Individual Teacher Career Development Plans (ITCDP). The purpose of this plan is to promote individual and collective professional development. It is appropriate for the Individual Plans to describe learning opportunities that are the same as those identified in the District Career Development Plan. The collective professional development designed in the district plan is based on student data and intended to accomplish gains in student achievement. Because the professional development actions described in the district and building-level plans are of high priority for meeting district goals for student achievement, each individual plan should align to the fullest extent possible with the District Career Development Plan. Individual teacher plans that are a direct fit with the district and building-level plan for professional development will result in more focused learning for teachers and greater benefit for students.

Each teacher and administrator should be familiar with the professional development priorities in the district plan when identifying goals for individual learning. It is appropriate for teachers to form collaborative teams to work on district/building-wide professional development and to develop a team plan for the ITCDP.

See the DE web site at <http://www.state.ia.us/educate/ecese/tqt/tc/prodev.html> for samples of ITCDPs that may be used for individual teachers and teams. Questions? Contact Deb Hansen, 515/281-6131, deb.hansen@iowa.gov.

Update on Substitute Teaching in Iowa

A person wanting to substitute teach in Iowa has three options:

1. If a person has completed a teacher education program, that person is eligible for a five-year substitute-teaching license. This license authorizes the person to substitute teach at the K-12 level for a maximum of 90 days in one assignment. The person who has completed a teacher education program and holds an initial, standard, master educator or regional exchange license has the same authority to substitute K-12 for a maximum of 90 days in one assignment.
2. If a person has a baccalaureate degree but has not completed a teacher education program, the person must complete the substitute authorization class offered through an Iowa area education agency to be eligible for a one-year substitute authorization which allows the person to substitute at the middle school, junior high or high school level for not more than five days in one assignment.
3. If a person has completed para-educator training and holds a para-educator certificate, the person must complete the substitute authorization class offered through an Iowa area education agency to be eligible for a one-year substitute authorization which allows the person to substitute in the special education classroom where the person serves as a para-educator. The special education classroom must be on the middle school, junior high or high school level. This authorization allows the person to substitute for no more than five consecutive days in that special education classroom.

Understanding the funding for HF 816 Student Achievement Teacher Quality Program

In addition to the provision for the equivalent of one additional professional development day, the legislature allocated an additional \$6.625 million to the Department for use by school districts for either salaries, professional development, or both. These FAQs address the use of this allocation:

Q1: What are legitimate uses for these funds by districts and AEAs?

A1: The funds may be used to pay for teacher time for professional development or may be used for teacher salaries.

Q2: Can these funds be used to pay for speakers, workshop registration fees, travel, substitutes, or materials?

A2: No.

Q3: The use of these funds must be reported on Fall BEDS. What if we have agreed with our teacher association to decide at a later date on the use of these funds?

A3: On Fall BEDS please indicate your plans as best you can. You will be able to report how you actually utilized the funds at a later time.

Q4: When will these funds be disbursed?

A4: The funds will be delivered with the Basic Teacher Compensation allocation and the additional compensation for the equivalent of one additional professional development day in nine equal payments beginning in October 2005 and continuing through June 2006.

The following questions address other issues encountered while completing Fall BEDS:

Q5: On the fall BEDS, we're asked to provide the number of days dedicated to high quality professional development. What is meant by high quality professional development?

Q5: High Quality Professional Development is defined as activities that should provide for alignment with the Iowa Teaching Standards; career development needs of teachers (District and Individual Teacher Career Development Plans); research-based instructional strategies; alignment with the Comprehensive School Improvement Plan student achievement goals; analysis, theory, classroom demonstration and practice, technology integration, observation, reflection, and peer coaching; and improvement in instructional practice and effect on student learning. This would NOT include items such as mandatory trainings, parent-teacher conference days, teachers preparing in their classrooms, staff orientations, or time spent preparing grades/report cards/lesson plans.

Q6: One of the questions on BEDS asks us to indicate the number of "High Quality Professional Development FTE days" our district had in the year prior to our first year of participation. What definition of high quality professional development do we use?

A6: Indicate the number of professional development days you had that meet the current definition. Do not use a definition of professional development you may have locally used back in the baseline year.

Q7: One of the questions on BEDS asks us to indicate the number of "High Quality Professional Development FTE days" our district had in the year prior to your first year of participation and in 2004-05. At that time all of our professional development was done during "early-outs" on regular school days. Does that time count?

A7: No. If you had no other high quality professional development, you would record a "0" for those years.

Q8: Different levels in our district receive different amounts of professional development. For example, our high school staff received seven days of professional development, middle school staff five days, and elementary four days. What do I record on BEDS?

A8: Record the number of days that all teachers received professional development. In this case, all teachers received at least four days of professional development so record a "4".

Additional questions? Contact Dianne Chadwick at dianne.chadwick@iowa.gov or 515/281-3718.

Better Instruction and Student Learning Through Professional Development

There is one remaining follow-up session to *WINTER INSTITUTE 2005*. The target audience includes superintendents, principals, central office administrators, professional development leadership team members, and AEA staff. This session will focus on practical tools for providing leadership to direct professional development at the building and central office level. There is space available in the October 5 session at the Carrollton Inn in Carroll and in the October 6 session at the Savery Hotel in Des Moines. For online registration: <http://www.register123.com/event/profile/web/index.cfm?PKwebID=0x168169e78>.

Board of Educational Examiners Update on Fees

Licensure Rule 14.121(7) outlines the penalty for failure to have appropriate licensure: Effective September 21, 2005, an additional fee of \$25 per calendar month, not to exceed \$150, shall be imposed if the practitioner holds a valid Iowa license but does not hold an endorsement for the type of service for which the practitioner is employed.

Example: A person holds an Iowa teaching license with the secondary math endorsement. The person is teaching special education students and is not teaching secondary math. The person does not apply before September 21, 2005 for the Class C three-year conditional license to teach special education students. This person will have to pay the additional fee of \$25 per month to obtain the Class C license.

Also effective September 21, 2005, an additional fee of \$100 per calendar month, not to exceed \$500, shall be imposed if the practitioner does not hold a valid Iowa license. The fee will begin to be assessed on the first day of the school year for which the practitioner is employed until the practitioner submits a completed application packet for the appropriate license. The penalty will enforce Iowa Code section 272.7.

Example: A person who has been teaching in Wisconsin is hired to teach in Iowa. However, the person does not submit the application materials to obtain an Iowa teaching license until after September 21, 2005. This person will need to pay \$100 a month in addition to the regular licensure fees.

Waiver of the fee will be granted only upon a showing of extraordinary circumstances rendering imposition of the fee unreasonable. The applicant in either of these scenarios may submit a written request for waiver of the fee. The applicant would have to detail the circumstances surrounding the application process that prohibited the person from applying in a timely manner. Then the Board of Educational Examiners review committee will review the written documentation and determine whether the fee will be assessed.

SCHOOL FUNDING AND GRANTS

Open Enrollment Transportation Assistance and Tuition Rates for 2005-06

Students who open enroll from one district to another may be eligible for transportation assistance if they qualify under the federal income guidelines (see [Open Enrollment Handbook](#)). These guidelines are NOT the same as the guidelines for Free and Reduced Fees.

If a student qualifies, the resident district may discharge this obligation in one of three ways:

1. The resident district may actually provide transportation for the pupil(s) to a stop on the bus line of the receiving district.
2. The resident district may allow the receiving district to enter the resident district to pick up the pupil(s) if the receiving district wishes to. (Failure of the receiving district to decide to do this will not discharge the resident district's obligation for transportation assistance.)
3. The resident district may provide a parent/guardian reimbursement.

The 2005-06 transportation assistance rate will be available in December.

Tuition Rates 2005-06

- Regular Education Student: \$4,741
- Special Education Student: Actual cost of the student's program for the 2006-2006 year.

- Limited English Proficiency: \$.22 per pupil
- Phase II does NOT follow open enrolled students; however, Phase II does follow students who are tuitioned in from another district: \$80.40 per pupil

Apply Now for the 2005 Governor's Environmental Excellence Awards

Iowa businesses, organizations and public sector facilities are invited to apply for the 2005 Governor's Iowa Environmental Excellence Awards. This environmental awards program, sponsored by Governor Vilsack and the State of Iowa, recognizes leadership and innovation in the protection of Iowa's water, land and air. Awards will be given for overall environmental excellence and special recognition in water quality, waste management, energy efficiency/renewable energy, air quality and habitat restoration/development. Categories include: Community/local government, business and industry, agriculture, civic organizations, public sector facilities, and more. The application deadline is November 4, 2005. For an application, go to www.iowadnr.com/other/ee/index.html, or contact Jill Cornell, 515/281-0879, Jill.Cornell@dnr.state.ia.us.

Title VI Allocations for Assessments

Allocations for federal Title VI funds are now posted on the DE website at <http://www.state.ia.us/educate/ecese/nclb/t6pa.html>. The Iowa Department of Education allocates funds to each public school district based on a per-pupil (K-12) amount of \$6, to support local efforts to enhance district-wide assessment system while meeting the expectations of NCLB. These funds may be used for LEA activities directed toward meeting state and federal assessment, accountability, and reporting requirements. The intent is that these funds are to be used to supplement or enhance your current assessment system, not to supplant funds currently allocated. Questions? Contact Paul Cahill, 515/281-3944 or paul.cahill@iowa.gov.

LEGAL LESSONS

The contact for all Legal Lessons items is Carol Greta, carol.greta@iowa.gov; 515/281-8661.

Timeline on Athletic Eligibility Rule

At its September meeting, the State Board directed the DE staff to draft administrative rules that will increase the academic requirements for student athlete eligibility. State Board members are scheduled to vote on the draft language at their November meeting. Once they approve language, it then must be approved by the Administrative Rules Review Committee, be presented at a public hearing, and be approved in final form by the State Board. Watch for updates, including guidance on how to file public comments, in future issues of School Leader Update.

Physical Exam Rule Update

Here's the accreditation rule, 281—IAC 12.4(14), regarding physical examinations for all staff members (except bus drivers) as it is proposed to be amended:

12.4(14) *Physical examination*. Except as otherwise provided in 281—43.15(285), the local board shall require each employee to file with it certification of fitness to perform the tasks assigned which shall be in the form of a written report of a physical examination, including a check for tuberculosis, by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, or qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner, after an offer of employment is made and before the beginning of service. ~~A report shall be filed at the beginning of service and at three-year intervals.~~

Points to note:

1. The pre-employment physical examination still includes the test for TB. However, the Iowa Department of Public Health does not require a TB test in any of its rules, and does not recommend the test except in cases where there is reason to believe that a person has been exposed to the disease. We left it in the rule to generate comment from schools. Please let us know whether or not you want it left in the rule.

2. The rule is being changed because the present rule is in conflict with the Americans with Disabilities Act (ADA). Therefore, local boards may not have a local policy that they will still require periodic physical examinations of their employees.
3. The only exception is for bus drivers. The Office of Civil Rights (which regulates the ADA) has stated that neither schoolteachers nor food service personnel are in a category that requires periodic physical examinations. And nothing in state law requires periodic health exams from food service workers or other school employees with the exception of bus drivers.

Post-Secondary Enrollment Options Act (PSEO) Update

A few new FAQs have been added to the present FAQs regarding PSEO on the DE's web site. All FAQs for PSEO may be found at <https://www.edinfo.state.ia.us/web/faqs.asp?f=pseoa00>. The new questions and answers are as follows:

Question: May a school district limit the number of courses a qualified student may take per grading period under the Act?

A: Other than ensuring that the student is not taking so many PSEO courses that s/he is considered a full-time college student, there is nothing in the Act that permits such limitation. However, schools do have a responsibility to make sure that students are making adequate progress toward graduation requirements and to counsel them accordingly.

Question: May a school district set a condition that any course taken under the Act be offered during the school day?

A: No. There is nothing in the Act that permits such limitation. Inasmuch as students and their families provide their own transportation for PSEO courses, there is no justification for such a condition. In fact, taking evening and other "off-hour" courses may be one of the best opportunities for many students to access these courses.

Question: What is the cost to a student for enrolling in a course under this Act?

A: There will be no charge to the student for tuition, textbooks, materials or fees. However, a student may be required to purchase equipment that becomes the property of the student. "Textbooks" are not "equipment." Iowa Code sections 261C.6, 261C.8.

Question: May a district refuse to count an eligible course completed under this Act toward local graduation or subject area requirements?

A: No, courses completed under the Act must count toward the graduation requirements and subject area requirements of the school district of residence or accredited nonpublic school of the eligible student. Iowa Code section 261C.5.

Question: Must a course taken under the Act be included on the student's high school transcript?

A: The Act (section 261C.5) requires that evidence of successful completion of a course be included on the high school transcript. If the student does not successfully complete the course (withdraws, receives a failing grade, ??), nothing in the Act requires that this information be placed on the transcript. It appears that whether to include such information about unsuccessful completion or non-completion may be a local decision, but the district should let students know up front what that local policy is.

Help DE Find School-Age Children in Religious Groups Exempted from Standards

Under Iowa Code section 299.24, the DE must maintain a list of children of compulsory attendance age who are members of religious groups that are exempt from "any or all requirements of the compulsory education law and the educational standards law for two school years." Under this law, we receive exemption requests from congregations (typically Amish or Mennonite) that are protected by section 299.24 from having to send their children to a public or accredited nonpublic school.

We have reason to believe that our list is incomplete. Below is a list of districts in which we know of at least one "Amish school." If your district is not listed, but you know of such a K-8 school in your district, please let us know. Call or e-mail Brandie Gean at 515/281-5332 or brandie.gean@iowa.gov to give her any contact information you have. We'll follow up with a letter to gently remind the responsible elders of their obligation to report their children to the DE every other year.

A-D-M
Charles City
Dallas Center-Grimes
Edgewood-Colesburg
Iowa City
Morman Trail
New Hampton
Osage
Riceville
Wayne
Lamoni

Chariton
Central Decatur
Davis County
Howard-Winneshiek
Mid-Prairie
Mt. Ayr
Oelwein
Perry
Van Buren
Woodward-Granger

Recent Appeal Decisions of Note, Non-Athletic

✓ *In re Dismissal from National Honor Society.* A student who brought alcohol with her and consumed the same on a school trip was afforded all the process she was due prior to being dismissed from the school's chapter of the National Honor Society. Link to full decision:

[http://www.state.ia.us/educate/dc/ad/doc/Jackson%20\(Jeff-Scranton%20Nat%20Honor%20Soc\)%20Decision.doc](http://www.state.ia.us/educate/dc/ad/doc/Jackson%20(Jeff-Scranton%20Nat%20Honor%20Soc)%20Decision.doc).

✓ *In re Transportation Services (Decision to Privatize all Student Transportation Services).* A local board's decision to contract with a third party provider for all of its student transportation services was upheld by the Director. Link to full decision: [http://www.state.ia.us/educate/dc/ad/doc/Sears%20\(AEA\)%20decision.doc](http://www.state.ia.us/educate/dc/ad/doc/Sears%20(AEA)%20decision.doc).

✓ *In re Transportation Services (Sale of Bus Fleet to Third Party Provider).* A companion to the above decision, once the decision to privatize had been made, the local board's decision to sell its bus fleet to the third party provider was upheld by the State Board of Education. Reading both cases also provides school administrators with examples of a case that goes to the State Board under Iowa Code section 290.1 (this appeal) and the previous case that is a 285.12 appeal that originates with the AEA board and then can be appealed only to the director. Link to full decision:

<http://www.state.ia.us/educate/dc/ad/doc/Sears%20v%20Ankeny%20Decision.doc>.

Recent Appeal Decisions of Note, Athletic Eligibility

✓ *In re Justin M.* Justin's father is deceased; his mother resides in Canada. Justin finished 11th grade in Canada in May of 2004, and then received a sports scholarship to a prep school in New England. Shortly into 12th grade at the prep school, Justin consumed alcohol and was forced to withdraw from school. He worked full-time the remainder of the 2004-05 school year, moved to Iowa this summer, and is living with a sibling. He asked for waiver of the 8-semester rule. The decision holds that consuming alcohol was a personal choice made by the student; because it was not a circumstance outside of his control, he does not receive a waiver of the 8-semester rule. Consequently, he has no eligibility to compete in high school sports – at any level – for the entire school year. Link to full decision: [http://www.state.ia.us/educate/dc/ad/doc/Moretti%20\(IHSAA\)%20decision.doc](http://www.state.ia.us/educate/dc/ad/doc/Moretti%20(IHSAA)%20decision.doc).

✓ *In re Hon K.* Hon is a citizen of Korea, living with a host family in Iowa. Two years ago, as a sophomore, he was in Iowa as a foreign exchange student (J-1 visa). Under the law (Iowa Code section 256.46), he was immediately eligible to compete in interscholastic athletics. J-1 visas expire after one year. Last year, Hon acquired an F-1 visa (foreign student, not here with an exchange program) and attended a different high school from the one he attended as a sophomore. He should have been ineligible for the first 90 school days. The school did not file the application of foreign exchange student with the Iowa High School Athletic Association. After spending the summer back with his family in Korea, Hon is here again on his F-1 visa. This fall, the school filed the appropriate application. The ruling is that he is no longer a transfer student, and is eligible this year. But because he was ineligible last fall, the school he attended was subject to discipline by the IHSAA for allowing him to compete. Link to full decision: [www.state.ia.us/educate/dc/ad/doc/Kwan%20\(IHSAA\)%20decision.doc](http://www.state.ia.us/educate/dc/ad/doc/Kwan%20(IHSAA)%20decision.doc).

More about Foreign Students, Foreign Exchange Students, and Key Differences

The following are among the FAQs that can be found at <https://www.edinfo.state.ia.us/web/faqs.asp?f=fes>.

Question: What is the difference between a foreign student and a foreign exchange student?

A: A foreign exchange student is one who is sponsored by a program designated by the United States Department of State, Exchange Visitor Program and Designation Staff. These students generally are in the U.S. on a J-1 visa. Students whose residences are in another country who attend school in the U.S. and are not sponsored by an exchange program are here usually on an F-1 visa.

Question: What types of visas are available for foreign students?

A: Under the Immigration and Nationality Act [8 U.S.C. section 1101], students qualify for either an F-1 visa or a J-1 visa. The J-1 visa is the more common classification for foreign exchange students. This visa is for a resident of a foreign country who intends to return to his or her country and who is a bona fide student who is coming temporarily to the U.S. as a participant in a program designated by the Director of the United States Information Agency for the purpose of studying. J-1 visas expire after one year. An F-1 visa is given to a resident of a foreign country who intends to return to his or her country and who is a bona fide student who seeks to enter the U.S. temporarily and solely for the purpose of studying in an elementary, secondary, or postsecondary institution pre-approved by the United States Department of Homeland Security (DHS) – but is not sponsored by an exchange program.

Question: What are the rules about participation in interscholastic athletics and where are those rules?

A: Iowa Code section 256.46 states that a foreign *exchange* student is immediately eligible to participate in interscholastic athletics if the student is enrolled in an Iowa school or school district and is otherwise eligible to participate (i.e., age, academics, good conduct, etc.). Only those students here on J-1 visas are foreign exchange students. This is not true of a *non-exchange* foreign student. If a non-exchange student is in a school or school district without his or her family for the purpose of attending that school or school district, the student is ineligible to compete in interscholastic athletics for 90 consecutive school days. *See also* 281—Iowa Administrative Code 36.15(3). The 90-day period of ineligibility applies only to interscholastic sports. It does not apply to interscholastic speech or music competitions.

Question: May a school district “count” foreign exchange or non-exchange students as resident pupils in its certified enrollment?

A: No. Because these students are not residents of the district, the district may not receive state foundation aid for them. Iowa Code section 282.6 defines a “resident” for tuition-free school purposes as follows: “For purposes of this section, “resident” means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.
2. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).
3. Lives in a residential correctional facility in the district.”

STUDENT TRANSPORTATION

Labeling Of School Owned Vehicles

One of the items that school bus inspectors find occasionally during routine inspections is multipurpose or family-type school-owned vehicles that do not have a school district identification on them. These types of vehicles would include Suburbans, vans, cars and station wagons. According to Iowa Code 721.8, “all publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle.” At issue is if labels are required if the vehicle is being strictly used for staff purposes and not for student transportation. A 1968 Attorney General’s opinion would seem to not support that idea, indicating that the exception to 721.8 is to be strictly construed and granted only to peace officers who “convincingly demonstrate” that having signage “will seriously hamper law enforcement”. A violation of 721.8 is a serious misdemeanor punishable by up to a year in jail and/or a fine of up to \$1000. Be sure all of your school vehicles are properly labeled. Included below is Iowa Code 721.8:

721.8 Labeling publicly owned motor vehicles.

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. This section does not apply to a motor vehicle which is specifically assigned by the head of the department or office owning or controlling it, to enforcement of police regulations or to motor vehicles issued ordinary registration plates pursuant to section 321.19, subsection 1.

"S" Endorsement Update

The deadline for school bus drivers to get their "S" endorsement has now been extended one full year until September 30, 2006. President Bush signed a highway bill in mid-August that included language to extend the "S" deadline. The Iowa DOT bill signed during the last session of the legislature did not include specific language as to a deadline date, so Iowa fell in line with most other states in honoring the deadline extension from the feds. This also included an extension on the opportunity to "grandfather" out of the skills testing for the "S" as well. School bus drivers now do not need the "S" until September 30, 2006, and any driver who qualified to "grandfather" out of the skills testing will still have that opportunity until that date as well. This extension may also benefit other drivers who were going to fall a bit short time-wise of being able to "grandfather". Those drivers will now have an added 12 months to gain experience and thus qualify for this exemption

STUDENT HEALTH AND NUTRITION

Do You Want More Guidance on the School Wellness Policy Requirement?

All school districts participating in the School Meal Programs are required to have a School Wellness Policy in place for next school year. Have you begun the process yet? Does your team working on your local wellness policy want or need additional guidance, direction, and support? If so, consider registering the team to attend a School Wellness Policy Workshop scheduled for Saturday, October 29, at Johnston High School. This workshop is sponsored by the Iowa School Nutrition Association, Midwest Dairy Council, and the Iowa Department of Education.

The majority of the program will be presented by Marilyn Hurt, a past president of the National School Nutrition Association, and Kristin Frank of the Midwest Dairy Council, who have been trained to conduct workshops on this topic. The Department of Education, Bureau of Nutrition Programs and School Transportation and Kathi Thomas Thomas, ISU Health and Human Performance Department representing the Iowa Partners: Action For Healthy Kids (AFHK) initiative, will also speak regarding the physical activity components of the wellness policy and provide information regarding the sample wellness policy and support materials developed by the Iowa Association of School Boards and the Iowa Partners: AFHK. The registration form is included as an attachment to this update.

Note: For teams unable to attend this workshop, IPTV is rebroadcasting the August wellness policy training at additional times this fall. For more information and to register online, go to the Iowa Distance Learning Database web site K-12 Calendar to register and participate at no cost.

- The one hour Introduction to Local School Wellness Policies, http://www3.iptv.org/iowa_database/event-detail.cfm?ID=5620, provides an overview of the requirements.
- The School Wellness Policy Process session, http://www3.iptv.org/iowa_database/event-detail.cfm?ID=5616, provides more detail on how to begin the process as well as a panel discussion about what the policy means and how the policy may be shaped and implemented. (Note in both web addresses there is an underline between iowa_database.)

DE contacts for questions about the wellness policy requirement are Janet Wendland, janet.wendland@iowa.gov, 515/281-5676, and Patti Harding, patti.harding@iowa.gov, 515/281-4754 or your assigned Bureau consultant.

Deadlines and [Dates to Remember](#)

The K-12 Critical Due Dates Calendar is at <http://www.state.ia.us/educate/calendars/critical.html>.

October 3	Risky Business XVIII: Committed to the Success of All Students , Des Moines
October 10-11	Iowa Talented & Gifted Association Conference, Des Moines
October 16-22	National Safe Schools Week
October 27	Schools on the Rise: Best Practices for Optimal Learning , Des Moines
November 16-18	State Board Meeting
November 16-18	Iowa Association of School Boards annual conference
January 23-24, 2006	Statewide High School Summit, Des Moines

SCHOOL LEADER UPDATE is produced monthly by the Iowa Department of Education for school leaders of Iowa. Comments and submissions should be sent to Kathi Slaughter, 515/281-5651, kathi.slaughter@iowa.gov.